

**REMARKS**

Claims 1-9, 11-26, 28-42, 44-61, and 63-72 were pending. Claims 1, 9, 19, 42, 50, and 61 have been amended. Claims 73-80 have been added. Support for the amendments to claims 1, 19, 34, and 50 may be found in the Specification at least at paragraphs [0050] and [0051]. Claims 9, 42, and 61 were amended to correct an antecedent basis problem. No new subject matter has been added. Accordingly, claims 1-9, 11-26, 28-42, 44-61, and 63-80 are pending subsequent entry of the present amendment.

In the present Office Action, claims 1-9, 11-26, 28-42, 44-61, and 63-72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,240,555 (hereinafter “Shoff”) in view of Fein et al, (U.S. Patent No. 5,897,623, hereinafter Fein). Applicant respectfully traverses these rejections in view of the following discussion.

On page 3 of the present Office Action, the Examiner states Shoff discloses a method including:

“Generating one or more automatic selections associated with the opportunity (figs. 8b and 8c), the generating comprising executing a script, where provision of the added content is triggered by the one or more automatic selections instead of one or more selections and providing the added content for display in response to detecting the automatic selections; and providing the added content for display in response to detecting the automatic selections (col. 10, line 44-col. 11, line 1+ and col. 12, lines 48-col. 13, line 1+), note that activating the script or Icon 204 displays the supplemental content as partly overlaid on the video program, or provided as a wrapper around or along side the program and automatic displays additional buttons 212-221 and second tier of information which are synchronized to the program according to timing information.”

However, claim 1, as amended recites a method of script usage in an interactive television system comprising:

“storing an indication of a desired level of added content to display during display of a television program;

executing an interactive television application, wherein said interactive application is configured to provide two or more levels of added content;

providing an opportunity for the display of added content, wherein provision of said added content is configured to be triggered by one or more user selections;  
generating one or more automatic selections associated with said opportunity and based on said indication, said generating comprising executing a script, wherein provision of said desired level of added content is triggered by said one or more automatic selections instead of said one or more user selections; and  
providing said desired level of added content for display in response to detecting said automatic selections.”

It is noted that an indication of a desired level of added content to display during display of a program is stored and subsequently one or more automatic selections based on the stored indication are generated and trigger provision of the desired level of added content. In contrast, Shoff merely discloses timing information embedded in a page when the page is created that causes supplemental content to be displayed. More specifically, Shoff discloses:

“If the viewer decides to enter into an interactive mode, the viewer employs a remote control handset, mouse, keyboard, or other mechanism to actuate the icon 204. This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure (step 170 via the "yes" branch from step 164).

This leads to another approach to invoking the supplemental content. Rather than displaying an icon and waiting for input from the viewer, the viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor (step 170 from the "automatic" branch from step 160).

The target resource contains digital data which supports interactive functionality in conjunction with the associated video content program. The digital data defines the supplemental content to enable viewer interactivity with the video content program. The digital data also defines a display layout prescribing how the supplemental content and the video program are to appear in relation to one another when displayed on the screen.

The digital data further defines timing information to synchronize presentation of the supplemental content with the video content program. This timing information can be implemented in many different ways. One

approach is to coordinate the supplemental content to a particular program start time, and then carefully measure time from that start time to synchronize presentation of the supplemental content with the appropriate points in the program. Another approach is to characterize the program in terms of frames, and key the introduction of supplemental content to the frame numbers.”

As may be seen from the above, display of supplemental content may be defined and initiated by the embedded digital data including timing information. However, in contrast to the presently claimed invention, there is no storing of an indication of a desired level of added content to display, nor is the generation of automatic selections that initiate the display of supplemental content based on the stored indication. Accordingly, Applicant finds no teaching or suggestion in Shoff of “storing an indication of a desired level of added content to display during display of a program; generating one or more automatic selections associated with said opportunity and based on said indication, said generating comprising executing a script, wherein provision of said desired level of added content is triggered by said one or more automatic selections instead of said one or more user selections,” as is recited in claim 1. Nor are these features found in Fein. For at least these reasons, claim 1 is patentably distinguishable from the cited art. Each of claims 19, 34, and 50 are distinguishable for similar reasons.

Further, the examiner suggests that the features of claims 9, 17, 18, 26, 32, 42, 48, 61, and 67 are disclosed by Schoff. For example, on page 4 of the present Office Action, it is suggested regarding claim 9 that Shoff discloses

“where the script is configured to store the one or more selections in a message queue in a repeated manner and where the interactive application is configured to determine whether one or more automatic selections exists by accessing the message queue (col. 9, line 54-col. 10, line 17 and line 50-col. 11, line 1+).”

However, Schoff contains no disclosure of a queue or of storing the selections in a message queue, or any such disclosure. Rather, Shoff merely discloses that stored digital data includes timing information for coordinating the display of supplemental content with a particular program. For example, Shoff discloses:

“The supplemental content is displayed according to this display layout and synchronized to the program according to the timing information (step 182 in FIG. 7). As an example, the supplemental content might be a trivia game which quizzes the viewer as to possible outcomes of various scenes. The questions are displayed on the screen according to the display layout and are timed using the timing information to coincide with the part of the program to which the questions pertain.” (Fein, col. 10, lines 50-58).

Applicant submits that Shoff does not disclose a queue as part of the method of coordinating or synchronizing supplemental content. Accordingly, Applicant finds no teaching or suggestion in Shoff of “wherein said script is configured to store said one or more automatic selections in a message queue,” as is recited in claim 17, or “wherein said interactive application is configured to determine whether said one or more automatic selections exist by accessing said message queue,” as is recited in claim 9, which depends on claim 17. For at least these additional reasons, Applicant submits that claims 9, 17, 18, 26, 32, 42, 48, 61, and 67 are patentably distinguishable from the cited art.

Applicant believes the application to be in condition for allowance. However, should the examiner believe issues remain, the below signed representative would greatly appreciate, and requests, a telephone interview at (512) 853-8866 to facilitate a speedy resolution.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-03400/RDR.

Respectfully submitted,

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